

Declaration and Power of Attorney United States Patent Application

UNITED STATES
Patents and Design Patents
Sole & Joint Inventors
Convention & Non-convention
PCT & Non-PCT
This form cannot be amended, altered
or changed after it is signed.
(For use only for inventors who
understand the English language.)

- As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Nucleotide Sequences Which Code for the dead Gene

(check one) is attached hereto.

was filed as U.S. Application No. _____ on _____ and (*if applicable*)

was amended on _____

was filed as PCT International Application No. _____ on _____ and (*if applicable*)

was amended under PCT Article 19 on _____.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign and PCT application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America listed in this Declaration. I have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application(s) on which priority is claimed:

Foreign/PCT Application No.	Country	Filing Date	Priority Claimed? (yes/no)
100 47 865.4	Germany	September 27, 2000	Yes

I hereby claim the benefit under Title 35, United States Code, §120 or §365(c) of any United States application and PCT international application designating the United States of America listed in this Declaration and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Application No.	Filing Date	Status (patented/pending/abandoned?)

I hereby claim priority benefits under Title 35 United States Code §119(e) of any U.S. provisional application(s) listed below:

U.S. Provisional Application No.	Filing Date

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Robert G. Weilacher (20,531), Herbert M. Hanegan (25,682), Dale Lischer (28,438), Frederick F. Calvetti (28,557), J. Rodgers Lunsford, III (29,405), Michael A. Makuch (32,263), Dennis C. Rodgers (32,936), Mary A. Montebello (33,021), Michael K. Carrier (42,391), Eric J. Hanson (44,738), Patrick R. Delaney (45,338) Brandon S. Boss (46,567), and Brett L. Nelson (48,119).

Send all correspondence to: SMITH, GAMBRELL & RUSSELL, LLP, 1850 M Street, N.W. (Suite 800), Washington, D.C. 20036. All facsimiles may be sent to (202) 263-4329. Direct all phone calls to (202) 659-2811.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Mike Farwick

Citizenship: German

Residence (*city, state, country*): D-33615 Bielefeld, Germany

Post office address: Gustav-Adolf-Strasse 11, D-33615 Bielefeld, Germany

Signature: _____

Date: _____

Full name of second joint inventor, if any: Klaus Huthmacher

Citizenship: German

Residence (*city, state, country*): D-63584, Gelnhausen, Germany

Post office address: Lärchenweg 18, D-63584, Gelnhausen, Germany

Signature: _____

Date: _____

- Additional inventors and/or prior applications are listed in attached Supplemental Sheet(s).

SGR/BDWY

Supplemental Sheet to U.S. Declaration and Power of Attorney (SGR/BDWY-1 supp.)

Additional Inventor(s):

Full name of third joint inventor, if any: Jennifer Brehme
Residence (*city, state, country*): D-33649 Bielefeld, Germany
Post office address: Kastanienstrasse 10, D-33649 Bielefeld, Germany

Citizenship: German

Signature: _____

Date: _____

Full name of fourth joint inventor, if any: Walter Pfefferle,
Residence (*city, state, country*): D-33790 Halle (Westf.), Germany
Post office address: Jahnstrasse 33, D-33790 Halle (Westf.), Germany

Citizenship: German

Signature: _____

Date: _____

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ASSIGNMENT

WHEREAS the undersigned (hereinafter "ASSIGNOR") have invented certain new and useful improvements in

Nucleotide Sequences Which Code for the dead Gene

for which an application for United States Letters Patent was executed concurrently herewith unless otherwise indicated and claims the benefit of German priority application 100 47 865.4 filed on September 27, 2000

WHEREAS, DEGUSSA AG
BENNIGSENPLATZ 1,
DE-40474 DÜSSELDORF, GERMANY

a German Corporation (hereinafter "ASSIGNEE") is desirous of acquiring the entire right, title and interest in the same:

NOW, THEREFORE, in view of good and valuable consideration, the said ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and all other countries and the entire right, title and interest in and to any and all Letters Patent, which may be granted therefore in the United States, and all other countries and in and to any and all divisions, reissues, continuations, and extensions thereof.

Said ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE, as the assignee of the entire right, title and interest in and to the same, for the sole use and for the use of its successors, legal representatives, and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by said ASSIGNOR had this assignment and sale not been made.

Further, the ASSIGNOR agrees to communicate to said ASSIGNEE, or its representatives, any facts known to the ASSIGNOR respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, substitute, renewal, reexamination and reissue applications, execute all necessary assignment papers to cause any and all Letters Patent to be issued to said ASSIGNEE, make all rightful oaths and generally do everything necessary or desirable to aid said ASSIGNEE, its successors and assigns, to obtain and enforce proper protection for said invention.

The ASSIGNOR authorizes any attorneys and agents who have a power of attorney in this application to check any appropriate boxes and to insert the Serial Number and filing date in this document after it has been executed.

IN TESTIMONY WHEREOF, we have hereunto set our hands

Mike Farwick

Dates In the Presence of:

Klaus Huthmaier

Jennifer Brehme

Walter Pfefferle

Walter Pfefferle